**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 395 of 2004 (M/B)**

Laeeq Ahmed Khan,
S/o Sri Chidda Khan,
Residing at Qazi Bagh,
Near Islamia School,
Town Kashipur,
District Udham Singh Nagar.

…… **Petitioner**

**Versus**

1. Uttaranchal Power Corporation Ltd.,
through its Chairman / Managing Director,
Urja Bhawan, Kanwali Road,
Dehradun.

2. The Deputy General Manager
Electricity Distribution Circle
U.P. Power Corporation Ltd.
Rudrapur, Distt. Udham Singh Nagar.

3. M/s Transco Engineering,
45, Noor Mahal Avas Vikas Colony,
Civil Lines, Rampur.

4. M/s Raj Enterprises,
Ram Nagar Road,
Town Kashipur,
Distt. Udham Singh Nagar.

5. Sri Yusuf Hussain
S/o Sri Maseet Ahmed,
Resident of Village Budhanpur.

6. M/s Tarun Electricals & Contractors,
Durga City Center,
Haldwani, District Nainital.

7. M/s Ganapati Associates,
Munshi Ram Chauraha,
Town Kashipur,
District Udham Singh Nagar.

…… **Respondents**

Sri Sudhir Kumar, Advocate for the petitioner.

Sri B.D. Upadhyaya, Advocate for respondents 1 and 2.

None for respondents 3 to 7.

**Corm: Hon. Rajeev Gupta, C.J.**
**Hon. Prafulla C. Pant, J.**

**RAJEEV GUPTA, C.J. (Oral)**

Sri Sudhir Kumar, the learned counsel for the petitioner.

Sri B. D. Upadhyaya, the learned counsel for respondents 1 and 2.

None for respondents 3 to 7.

2. The petitioner filed this writ petition in the year 2004 for the following reliefs:

> "i) to issue a writ, order and / or direction in the nature of mandamus commanding the respondent No. 1 and 2 to finalize the tender No. 26/EDC(U)/2003-04 after taking into consideration the rates submitted by the petitioner;
> ii) to issue a writ, order and / or direction in the nature of mandamus commanding the respondent no. 1 and 2 not to award any work covered in tender No. 26/EDC(U)/2003-04 to all or any of the respondents No. 3 to 7;
> iii) to issue a writ, order or direction in the nature of certiorari against the respondents directing cancellation of all contracts granted by the respondent No. 2 regarding tender No. 26/EDC(U)/2003-04 in favour of respondents No. 3 to 7.
> iv) To award costs of the petition to the petitioner against the respondents;
> v) To issue any other writ, order and / or direction, which this Hon'ble Court may deem fit and proper in the circumstances of this case."

3. Sri B. D. Upadhyaya, the learned counsel for respondents 1 and 2 on the instructions received from these respondents submits that the contract entered into between the first respondent and respondents 3 to 7 has already

been completed by these respondents and as such the reliefs sought by the petitioner in the writ petition, now, has become infructuous.

4. In this view of the matter, the writ petition is dismissed as infructuous leaving it open to the petitioner to work out his other remedies which may be available to him under the relevant provisions of law.

**(Prafulla C. Pant, J.)** **(Rajeev Gupta, C.J.)**
**16.05.2006** **16.05.2006**

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